

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROGER G. OTTO,

Petitioner,

v.

MAGGIE MILLER-STOUT,

Respondent.

Case No. C07-5452RJB

ORDER DENYING COUNSEL

This 28 U.S.C. § 2254 petition has been assigned to the undersigned Magistrate Judge. Petitioner has filed a motion for appointment of counsel. (Dkt. #8).

There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required, because the action is civil, not criminal, in nature. See Terravona v. Kincheloe, 852 F.2d 424, 429 (9th Cir. 1988); Brown v. Vasquez, 952 F.2d 1164, 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts. An evidentiary hearing has not been granted in this case. Further, the claims in the petition are adequately set forth and articulated. Petitioner's motion for appointment of counsel (Dkt. # 8) is

ORDER- 1

1 therefore **DENIED**.

2 The clerk is directed to send copies of this order to petitioner and counsel for respondent.

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5 DATED this 24 day of September, 2007.

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7 /S/ J. Kelley Arnold

8 J. Kelley Arnold

9 United States Magistrate Judge